

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

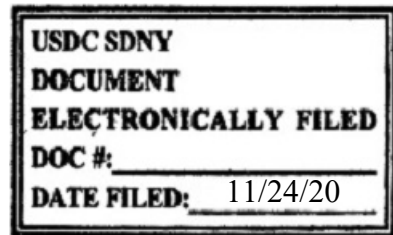
VINCENT PALMIERI,

Plaintiff,

-against-

EAST COAST POWER & GAS, LLC, et al.,

Defendants.



20-CV-2663 (RA) (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

For the reasons stated on the record during the November 24, 2020 discovery conference, defendant Milanese shall promptly produce documents responsive to plaintiff's Request for Production No. 34, including but not limited to all sworn statements made by Milanese in his matrimonial proceeding concerning the financial condition of East Coast Power & Gas, LLC and/or plaintiff Palmieri's responsibility for that financial condition. To the extent "special circumstances are required" to compel the production of statements made in New York State matrimonial proceedings, *see Rubino v. Albany Med. Ctr.*, 126 Misc. 2d 204, 208 (N.Y. Sup. Ct. Albany Co. 1984), the Court finds that such circumstances are present here, and therefore that "[t]he shield afforded by § 235 must, in this instance, give way to the disclosure of relevant evidence[.]" *Kodsi v. Gee*, 54 A.D.3d 613, 613 (1st Dep't 2008); *accord Janecka v. Casey*, 121 A.D.2d 28, 32 (1st Dep't 1986); *People v. Malaty*, 4 Misc. 3d 525, 528 (N.Y. Sup. Ct. Kings Co. 2004). To the extent the evidence from the matrimonial file qualifies for CONFIDENTIAL or CONFIDENTIAL-ATTORNEY'S EYES ONLY treatment under the Stipulated Protective Order issued in this action (Dkt. No. 35), it may be so designated.

Dated: New York, New York  
November 24, 2020

**SO ORDERED.**

A handwritten signature in blue ink, appearing to read "Barbara Moses".

**BARBARA MOSES**  
**United States Magistrate Judge**